

Larry R. Woolford
POULSON & WOOLFORD, LLC
636 Harris Street
Juneau, AK 99801
(907) 586-6529
larry@poulsonwoolford.com

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA AT JUNEAU**

CARMEN KATASSE,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendants.

Case No.

COMPLAINT FOR DAMAGES UNDER THE FEDERAL TORT CLAIMS ACT

Plaintiff Carmen Katasse, through counsel, Poulson & Woolford, LLC, alleges against the defendant, United States of America, as follows:

INTRODUCTION

1. This is an action against the United States of America under the Federal Tort Claims Act (28 U.S.C. § 2671, et seq.) and 28 U.S.C. § 1346(b)(1) for negligence and professional malpractice in connection with medical care provided to the plaintiff by the Alaska Native Tribal Health Consortium at the Alaska Native Medical Center.

2. These claims are brought against the defendant pursuant to the Federal Tort Claims Act (28 U.S.C. § 2671, et seq.) and 28 U.S.C. § 1346(b)(1) for money damages as compensation for personal injuries caused by the defendant's negligence.

3. The plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act. Standard Form 95 attached as Exhibit 1.

4. The plaintiff timely served notice of her claim on the agency less than two years after the incident forming the basis of this suit.

5. The plaintiff now files this complaint pursuant to 28 U.S.C. § 2401(b) after receiving the March 11, 2016 final denial of her administrative claim. Exhibit 2.

PARTIES, JURISDICTION AND VENUE

6. The plaintiff is, and at all relevant times was, a resident of Juneau, in the District of Alaska.

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ATTORNEYS AT LAW
636 Harris Street
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(907) 586-6529 • (907) 586-6329 Facsimile

7. At all relevant times, the defendant United States of America, including its directors, officers, operators, administrators, employees, agents, and staff provided health care services at the Alaska Native Medical Center located in Anchorage, Alaska.

8. At all relevant times, those directors, officers, operators, administrators, employees, agents, and staff were employed by and/or acting on behalf of the defendant. The defendant is therefore responsible for the negligent acts of its employees and agents under the doctrine of *respondeat superior*.

9. Jurisdiction is proper under 28 U.S.C. § 1346(b)(1).

10. Venue is proper under 28 U.S.C. § 1402(b) and 28 U.S.C. § 81A because the plaintiff resides in Juneau.

FACTUAL BACKGROUND

11. On April 24, 2013, the plaintiff was admitted to the Alaska Native Medical Center after a serious motor vehicle accident.

12. While admitted, her right ankle fracture was diagnosed and surgically repaired.

13. Her right calcaneous fracture, however, was not diagnosed or treated.

14. Subsequent to her discharge, the plaintiff required revision of the ankle fracture and repair of the calcaneous fracture.

15. These multiple corrective surgeries have left the plaintiff with severe and permanent injuries.

FIRST CAUSE OF ACTION: NEGLIGENCE

16. The defendant had a duty to exercise the standard and degree of care and skill required of health care providers.

17. The defendant, and the employees and agents for whose conduct it is responsible, breached that duty by:

17.1 Failing to properly examine the plaintiff;

17.2 Failing to properly repair the plaintiff's ankle fracture;

17.3 Failing to diagnose the plaintiff's calcaneous fracture;

17.4 Discharging the plaintiff without adequate follow up; and

17.5 Otherwise failing to exercise appropriate care under the circumstances.

18. This breach of duty caused the plaintiff's continuing injuries.

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19. The defendant is therefore liable pursuant to 28 U.S.C. § 1346(b)(1).

RELIEF SOUGHT

As a direct result of the defendant's negligence, Carmen Katasse has suffered substantial damage, including but not limited to: severe and permanent physical injury; pain and suffering; severe and permanent emotional distress; loss of enjoyment of life; loss of past and future income and other economic losses; and past and future medical and related expenses totaling \$1,000,000.

WHEREFORE, the plaintiff requests judgment against the defendant as follows:

1. Her special and general damages;
2. Costs and attorney fees incurred in this action; and
3. Such further relief as the Court deems appropriate.

DATED this 2nd day of September, 2016.

POULSON & WOOLFORD, LLC
Attorneys for the Plaintiffs



Larry R. Woolford, AK Bar No. 9806023
larry@poulsonwoolford.com

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